

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

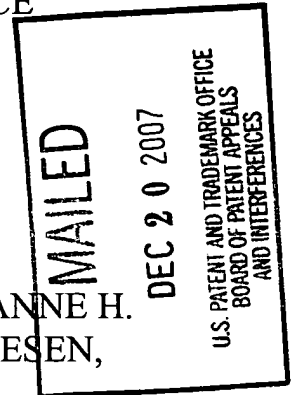
Ex parte FRANK J. MCCONNELL, WILLIAM M. TORMEY, ANNE H.
RANDALL, DENNIS M. ELLERMEIER, GREG S. JOHANNESSEN,
JASON J. LEWIS, and EDWARD V. LENOIR

Application 09/658,770
Technology Center 3700

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on March 13, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

The Examiner has failed to list prior art relied upon in the 35 U.S.C. § 103(a) and 35 U.S.C. § 102(b) rejections currently on appeal under the heading “**(8) Evidence Relied Upon**” in the Examiner’s Answer mailed May 23, 2006. Reference to additional Internet URLs are relied upon in paragraph 11, pages 36-37 of the Examiner’s Answer but not listed as required by *the Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(8).



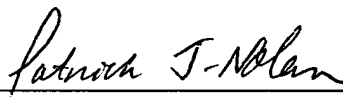
Application 09/658,770

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of all references mentioned in the statement of rejections. *See MPEP* § 1207.02. Appropriate correction is required.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

PJN/hh